

**THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant(s): Sidney Smith et al.  
Appl. No.: 09/813,351  
Conf. No.: 3473  
Filed: March 19, 2001  
Title: LARGE VOLUME FLEXIBLE CONTAINER  
Art Unit: 3727  
Examiner: Jes F. Pascua  
Docket No.: CRTS-5679 (0112713-968)

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**APPELLANTS' REPLY BRIEF**

Dear Sir:

I. **INTRODUCTION**

This Reply Brief is submitted in response to the Examiner's Answer mailed on December 11, 2006. The Reply Brief is directed, in part, to the new points of argument and arguments presented in the Examiner's Answer.

I. **THE EXAMINER'S INTERPRETATION OF VALLOT IS IMPROPER**

Appellants steadfastly disagree with and traverse the Examiner's interpretation of *Vallot*. It is a fundamental axiom of the patent law that a reference must be considered as a whole for what it reasonably discloses to those of ordinary skill in the art. *In re Wright*, 6 USPQ2d 1959 (Fed. Cir. 1988). Appellants respectfully submit that the Examiner has failed to follow this cornerstone of the patent law by picking and choosing isolated portions of *Vallot* in order to deprecate Appellants' claims. When *Vallot* is properly considered as a whole for what it reasonably discloses to those of ordinary skill in the art, *Vallot* fails to disclose or suggest two claim elements: 1) "an additional amount of material" permitting 2) the end panel "to extend outwardly...beyond the imaginary plane when the container is filled..." as recited in claim 17.